

BURKINA FASO

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Head of state:

Head of government:

Blaise Compaoré

Luc Adolphe Tiao

Demonstrations and clashes took place in the months before the December legislative and municipal elections against a background of attempts by the President's party to amend the Constitution in order to allow President Compaoré to run for another term. As a result of the crisis in Mali, up to 100,000 people sought refuge in the north of Burkina Faso. Camps lacked basic necessities and health care.

Torture and other ill-treatment

In January, Moumouni Isaac Zongo and Ousséni Compaoré, arrested on suspicion of theft, were ill-treated by members of the Anti-Crime Brigade of the National Police in Boulmiougou.

In February, bodyguards for the Minister of Justice and Promotion of Human Rights, Jérôme Traoré, ill-treated a mechanic following an altercation. A few days later, the Minister was dismissed.

Right to health – maternal mortality

Maternal and child health remained a priority for the authorities, who worked with civil society organizations on assessing the feasibility of policies to improve access to services for children aged under five, and to a certain extent for women. However, no real improvement was achieved either in the quality of maternal health services or increased access to family planning and reproductive health services.

Impunity

In June, Parliament passed an amnesty law for heads of state enshrining impunity.

Amnesty International visits/reports

 Burkina Faso: La compétence universelle pour mettre fin à l'impunité (AFR 60/001/2012)

BURUNDI

REPUBLIC OF BURUNDI

Head of state and government:

Pierre Nkurunziza

The cycle of impunity remained unbroken and the government did not fully investigate and prosecute extrajudicial executions from previous years. Promising signs that the government would establish a Truth and Reconciliation Commission in 2012 faded progressively throughout the year. Human rights defenders and journalists faced repression because of their work.

Background

The ruling party, the National Council for Defence of Democracy-Forces for Defence of Democracy (CNDD-FDD), was able to govern without any effective opposition engagement. The ruling party and ADC-Ikibiri, the coalition of opposition parties which withdrew from the 2010 elections, did not engage in meaningful dialogue.

Following an increase in the cost of living, Burundian civil society organized a national campaign to call to account the economic practice of the government.

Impunity

UN human rights monitors recorded 30 extrajudicial executions during 2012. The figure was lower than in 2010 and 2011, when a total of 101 extrajudicial executions were recorded. Most of the 2012 killings seemed not to have been politically motivated; however, impunity persisted.

A Commission of Inquiry was established by the Public Prosecutor in June to investigate allegations of extrajudicial executions and torture reported by Burundian and international human rights organizations and the UN. The Commission's report, made public in August, accepted that killings had occurred but denied that they were extrajudicial. It stated that judicial case files had been opened for certain cases reported by human rights organizations. Following the report, two police officers, an army major, a local administrator and several *Imbonerakure* (youth members affiliated to the ruling party) were arrested; no trials took place, however. Concerns remained that not all perpetrators had been held to account.

Truth and reconciliation

No progress was made to investigate and establish the truth behind grave violations of human rights committed between 1962 and 2008. A revised draft law establishing a Truth and Reconciliation Commission (TRC) was submitted to parliament but was not discussed.

The draft law left open the possibility of amnesties, including for those accused of genocide, crimes against humanity, war crimes, torture, enforced disappearances and extrajudicial executions. It did not specify that the Special Tribunal, the judicial mechanism that will follow the TRC, should have an independent prosecutor who can investigate and prosecute cases referred by the TRC as well as new cases.

Justice system

The recruitment of judges through the Ministry of Justice was not conducted in a public and transparent way, leaving the process open to accusations of corruption and political bias. According to the law, the Minister of Justice must organize a competitive examination to decide on candidates.

The justice system remained weak and politicized and the authorities failed to bring perpetrators of human rights violations to justice.

■ The May verdict in the trial of those accused of killing anti-corruption activist Ernest Manirumva, murdered in 2009, failed to deliver justice. The prosecution did not consider recommendations from the US Federal Bureau of Investigations (FBI) to require high-ranking police and intelligence officers implicated by witnesses to be questioned and DNA tested. The decision of the Appeal Court of Bujumbura was pending at the year's end.

Freedom of expression – journalists and human rights defenders

Journalists and human rights defenders reported harassment and intimidation by the authorities.

■ In February, Faustin Ndikumana, President of the organization Words and Action for the Awakening of Conscience and the Evolution of Mindsets, spent two weeks in custody, solely for exercising his right to freedom of expression, before being released on bail. He had made public comments to the media after he wrote to the Minister of Justice asking him to investigate

and halt corruption in the recruitment of judges. In July, the Anti-Corruption Court found him guilty of making false statements and sentenced him to five years' imprisonment and a fine of 500,000 Burundian francs (approx. US\$333). The judgement had not been enforced by the end of the year.

Draft legislation, if enacted in its current form, could threaten freedom of expression and association. A draft law on demonstrations and public meetings would give the authorities disproportionate powers to close down public meetings. A draft of the revised press law included new provisions introducing circumstances in which journalists must disclose sources, an increased number of possible press-related crimes, excessive state regulation of the press, and exorbitant fines for journalists who violate provisions of the law and the Penal Code.

Prison conditions

Inmates were kept in extremely insanitary conditions and thousands were held in pre-trial detention.

President Nkurunziza passed a decree on 25 June granting pardon to prisoners serving a term of five years or less (excluding those sentenced for rape, armed robbery, armed robbery in organized gangs, illegal possession of firearms or threatening state security), pregnant or breastfeeding women, prisoners aged 60 and over, minors aged under 18 who have not been tried and prisoners suffering from terminal illness. All other sentences were reduced by half. In April, 10,567 prisoners were held in 11 prisons with a combined capacity of only 4,050. This number had decreased to 6,581 by the end of December.

Amnesty International visits/reports

🚗 Amnesty International delegates visited Burundi in May.

📄 Burundi: Free activist who spoke out – Faustin Ndikumana (AFR 16/001/2012) and further information (AFR 16/002/2012)

📄 Burundi: Time for change – a human rights review: Submission to the UN Universal Periodic Review (AFR 16/003/2012)

📄 Burundi: Verdict in activist's killing fails to deliver justice (PRE01/262/2012)